

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

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UNITED STATES OF AMERICA                   §  
  §  
v.   § 2:10-CR-42  
  §  
ARMANDO PORTILLA MUNOZ, (1)           § ECF

AMENDED

MOTION FOR PRETRIAL DETENTION AND CONTINUANCE

The United States asks for the pretrial detention of Defendant under Title 18, United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under 18 U.S.C.

§ 3142(f) because it is a case that involves:

- \_\_\_\_\_ A crime of violence as defined in 18 U.S.C. § 3156(a)(4).  
(§3142(f)(1)(A)).
- \_\_\_\_\_ An offense for which the maximum sentence is life imprisonment or  
death. (§ 3142(f)(1)(B)).
- \_\_\_\_\_ Controlled substances offense for which the maximum sentence is 10  
years or more. (§ 3142(f)(1)(C)).
- \_\_\_\_\_ A felony that was committed after the defendant had been convicted  
or two or more prior federal offenses described in 18 U.S.C.  
§ 3142(f)(1)(A)-(C), or comparable state or local offenses.  
(§ 3142(f)(1)(D)).
- X  \_\_\_\_\_ A serious risk defendant will not appear. (§ 3142(f)(2)(A)).
- \_\_\_\_\_ A serious risk defendant will obstruct or attempt to obstruct justice, or  
threaten, injure or intimidate, or attempt to threaten, injure, or  
intimidate a prospective witness or juror. (§ 3142(f)(2)(B)).
- X  \_\_\_\_\_ A felony that involves a minor victim or that involves the possession  
or use of a firearm or destructive device, or any other dangerous  
weapon, or involves a failure to register under 18 U.S.C. § 2250  
(§ 3142(f)(1)(E)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C.

§ 3142(e), because no condition or combination of conditions will reasonably assure:

- ☒ Defendant's appearance as required.  
☒ Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable

presumption against defendant under § 3142(e). The presumption applies because:

- ☐ Probable cause to believe defendant committed 10 + year drug offense or firearms offense, 18 U.S.C. § 924(c). (18 U.S.C. § 3142(e)).  
☐ Previous conviction for "eligible" offense committed while on pretrial bond.

4. **Time for Detention Hearing.** The United States requests the Court conduct

the detention hearing:

- ☐ At first appearance.  
☐ After continuance of three days.  
☒ After continuance of 10 days under 18 U.S.C. § 3142(d).  
☐ Moot at this time as defendant is in federal custody. Hearing requested if detention becomes a viable issue.

**Grounds for 10 day continuance:** The defendant is, and was at the time the alleged offense was committed:

- ☐ on release pending trial for a felony under Federal, state, or local law;  
☐ on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for an offense under federal, state, or local law;  
☐ on probation or parole for an offense under federal, state, or local law; or  
☒ is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20); and the defendant:  
☐ may flee; or  
☐ pose a danger to any other person or the community.

5. Other Matters.

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Dated this 31<sup>st</sup> day of August 2010.

Respectfully submitted,

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